

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0104-0301, Rules Governing the Idaho Preferred Promotion Program. Establishes voluntary promotion program requirements for use of the Idaho Preferred™ logo, defines eligible products, application procedures and participation fees for promotion of Idaho food and agricultural products. Comment by: 8/27/03.

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0214-0401, Rules for Weights and Measures. Updates the documents incorporated by reference. Comment by: 8/25/04.

02-0605-0301, Rules Governing Diseases of Hops (*humulus lupulus*). Removes Boundary County from the control area to allow imported hops planting material into Boundary County without the two-year evaluation of disease freedom outside of the control area requirement. Comment by: 8/25/04.

IDAPA 03 - IDAHO ATHLETIC COMMISSION 1575 Baldy Ave., Pocatello, ID 83201

03-0101-0401, Rules of the State Athletic Commission. Clarifies which martial arts activities are to be regulated and which are to be deemed exempt. Comment by: 8/25/04.

IDAPA 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642

07-0105-0401, Rules Governing Examinations. Provides applicants who have failed an exam for the third or fourth time with an alternative allowing them to test again when they have provided satisfactory proof of completion of board-approved, related electrical training or continuing education since the date of the failed exams. Comment by: 8/25/04.

07-0308-0401, Rules Governing Commercial Coaches. Updates hourly rate charged for "systems" plan reviews for commercial coaches to the current allowed rate of \$36 per hour. Comment by: 8/25/04.

07-0402-0401, Safety Rules for Elevators Escalators, and Moving Walks. Implements HB 569 making the Division responsible for elevator regulation. Comment by: 8/25/04.

IDAPA 08 - STATE BOARD OF EDUCATION & DEPARTMENT OF EDUCATION PO Box 83702, Boise, ID 83720-0037

08-0101-0401, Rules of the State Board of Education and Board of Regents of the University of Idaho - Administration. Allows the State Board of Education to grant a waiver of compliance with any rule if it is not otherwise required by state or federal law. Comment by: 8/25/04.

08-0203-0402, Rules Governing Thoroughness. Provides further clarification between school and district/LEA sanctions for failing to meet Adequate Yearly Progress (AYP) under the federal "No Child Left Behind" Act (NCLB). Comment by: 8/25/04.

08-0203-0403, Rules Governing Thoroughness. Establishes and implements the English Language Proficiency (ELP) Standards as required for all states under the No Child Left Behind Act. Comment by: 8/25/04.

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

600 S. Orchard, Suite A, Boise, ID 83705-1242

10-0102-0401, Rule of Professional Responsibility. Requires that registrants be complete, objective and truthful in all communications with clients. Comment by: 8/25/04.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

****16-0219-0401, Food Safety and Sanitation Standards for Food Establishments (UNICODE).** Repeal of chapter. Comment by: 8/25/04.

****16-0219-0402, Food Safety and Sanitation Standards for Food Establishments (UNICODE).** Rewrite of chapter updates Idaho's food safety standards for commercial food establishments. Comment by: 8/25/04.

****16-0223-0401, Rules Governing Indoor Smoking.** Changes conform to SB 1283 regulating smoking in public places. Comment by: 8/25/04.

16-0309-0402, Rules Governing the Medical Assistance Program. Allows the dispensing pharmacy to receive payment for acceptance of unopened and unused drugs from licensed residential and assisted living facilities. Comment by: 8/25/04.

16-0404-0401, Rules and Minimum Standards for Employment Services. Chapter is repealed and funding and administration of program is now under Division of Vocational Rehabilitation. Comment by: 8/25/04.

16-0614-0401, Rules Governing the Prevention of Minor's Access to Tobacco Products. Changes conform to state law that exempts adult only permit locations from inspections assisted by a minor, requires issuance of permits to those entities selling tobacco products via the internet, telephone, or fax machine and to those who deliver tobacco products. Comment by: 8/25/04.

IDAPA 21 - DIVISION OF VETERANS SERVICES

320 Collins Road, Boise, ID 83702

21-0102-0401, Rules Governing Emergency Relief for Veterans. Proposed rule would give the Division Administrator authority to waive the Home of Record requirement for applicants for the Emergency Grant if the veteran has resided in Idaho for a period of at least 5 years. Comment by: 8/25/04.

STATE BOARD OF MEDICINE

PO Box 83720, Boise, ID 83720-0058

22-0104-0401, Rules Board of Medicine for Registration of Supervising and Directing Physicians. Conforms to HB 659 and eliminates supervision requirement for advanced practice nurses. Comment by: 8/25/04.

IDAPA 27 - STATE BOARD OF PHARMACY

PO Box 83720, Boise, ID 83720-0067

27-0101-0401, Rules of the Idaho State Board of Pharmacy. Proposed change would increase the number of pharmacy technicians per licensed pharmacist from two to three to better meet more stringent accountability requirements. Comment by: 8/25/04.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**1410 N. Hilton, Boise, ID 83706-1255**

****58-0101-0402, *Rules Governing the Control of Air Pollution in Idaho***. Updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2004. Comment by: 9/8/04.

****58-0102-0302, *Water Quality Standards and Wastewater Treatment Requirements***. Updates 6 human health criteria for 3 heavy metals and 11 aquatic life criteria for 6 metals per the 2002 EPA recommendations. Comment by: 9/20/04.

58-0105-0402, *Rules and Standards for Hazardous Waste*. Updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2004. Comment by: 8/25/04.
Comment by: 8/4/04.

****PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, **August 4, 2004, Volume 04-8** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.

To subscribe to the Administrative Bulletin and other rules publications see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: <http://www2.state.id.us/adm/adminrules/>